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UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA
 325 West "F" Street, San Diego, California 92101-6991

In Re

SALAZAR, Eleazar

Debtor.

BANKRUPTCY NO. 3:10-bk-17456-MM13

U.S. Bank National Association, as Trustee for the C-BASS Mortgage
 Loan Asset-Backed Certificates, Series 2006-CB2, et. al

Moving Party

RS NO. RVP-1

Eleazar Salazar, Debtor, David L. Skelton, Chapter Trustee,

Respondent(s)

Hearing Date: November 23, 2010

Hearing Time: 10:00 a.m.

OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY



REAL PROPERTY



PERSONAL PROPERTY

Respondent in the above-captioned matter moves this Court for an Order denying relief from the automatic stay on the grounds set forth below.

1. A Petition under Chapter ☐ 7 ☐ 11 ☐ 12 ☒ 13 was filed on September 30, 2010.
2. Procedural Status:
 - a. ☒ Name of Trustee Appointed (if any): David L. Skelton
 - b. ☐ Name of Attorney of Record for Trustee (if any):
 - c. ☐ *Prior Filing Information:
 Debtor has previously filed a Bankruptcy Petition on: _____.
 If applicable, the prior case was dismissed on: _____.
 - d. ☐ (If Chapter 13 case): Chapter 13 Plan was confirmed on _____ or a confirmation hearing is set for _____.
3. *Number of unsecured creditors 6. Amount of unsecured debt \$ 51,817.04.
4. *Last operating report filed: _____
5. *Disclosure statement: Filed? (yes/no) _____. Approved? (yes/no) _____.
 If yes, date of plan confirmation hearing: _____

 *Only required if respondent is the debtor.

Respondent alleges the following in opposition to the Motion:

1. ☐ The following real property is the subject of this Motion:
 - a. Street address of the property including county and state:
1268 Emerald Way, Calexico, County of Imperial, State of California, 92231
 - b. Type of real property (e.g., single family residence, apartment building, commercial, industrial, condominium, unimproved):
Single Family Residences
 - c. Legal description of property is attached as Exhibit A.
 - d. **Fair market value of property: \$ 220,500.00.
 - e. **Nature of Respondent's interest in the property: Fee Simple
2. ☐ The following personal property is the subject of this Motion (*describe property*):
 - a. **Fair market value of property: \$_____.
 - b. **Nature of Respondent's interest in the property:
3. Status of Movant's loan:
 - a. Balance owing on date of Order for Relief: \$ 332,263.00
 - b. Amount of monthly payment: \$ 1,116.06
 - c. Date of last payment: December 2009
 - d. If real property,
 - (1) Date of default: unknown
 - (2) Notice of Default recorded on: May 7, 2009
 - (3) Notice of Sale published on: unknown
 - (4) Foreclosure sale currently scheduled for: Sold on 12/7/2009
 - e. If personal property,
 - (1) Pre-petition default: \$_____ No. of months:_____
 - (2) Post-petition default: \$_____ No. of months:_____
4. (*If Chapter 13 Case, state the following:*)
 - a. Date of post-petition default: n/a
 - b. Amount of post-petition default: \$_____
5. Encumbrances:
 - a. Voluntary encumbrances on the property:

Lender Name	Principal Balance	Pre-Petition Arrearages Total Amount - # of Months		Post-Petition Arrearages Total Amount - # of Months	
1st: C-Bass Mortgage	332,263.00	11,160.60	10		
2nd:		Amount entered but		Debtor uncertain.	
3rd:					
4th:					
Totals for all Liens:	\$ 332,263.00	\$ 11,160.60		\$ 0.00	

**Separately filed Declaration required by Local Bankruptcy Rule 4001-4.

- b. Involuntary encumbrances of record (e.g., tax, mechanic's, judgment and other liens, lis pendens):
☐ See attached page, if necessary.

6. Relief from the automatic stay should not be granted because:

- a. ☐ Movant's interest in the property described above is adequately protected.
- b. ☐ Debtor has equity in the property described above and such property is necessary to an effective reorganization.
- c. ☐ The property is not "single asset real estate", as defined in 11 U.S.C. § 101(51B).
- d. ☐ The property is "single asset real estate", as defined in 11 U.S.C. § 101(51B), and less than 90 days (or _____ days ordered by this court) have passed since entry of the order for relief in this case, or
- (1) the Debtor/Trustee has filed a plan of reorganization that has a reasonable possibility of being confirmed within a reasonable time; or
- (2) the Debtor/Trustee has commenced monthly payments to each creditor whose claim is secured by the property (other than a claim secured by a judgment lien or by an unmatured statutory lien) which payments are equal to interest at a current fair market rate on the value of each creditors' interest in the property.
- e. ☒ Other (specify): ☒ See attached page.

Movant: is not the Real Party in Interest, does not have standing, and acquired a void and fraudulently based Trustee's Deed; all assignments were made contrary to law, and the foreclosure was illegal.

When required, Respondent has filed a separate Declaration pursuant to Local Bankruptcy Rules 4001-4.

Respondent attaches the following:

1. ☒ Other relevant evidence:
Exhibits attached to Memorandum.
2. ☒ (Optional) Memorandum of points and authorities upon which the responding party will rely.

WHEREFORE, Respondent prays that this Court issue an Order denying relief from the automatic stay.

Dated: November 15, 2010

/s/ Francisco J. Aldana
[Attorney for] Respondent